

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LEON MICHAEL ROY

V.

**SWIFT TRANSPORTATION COMPANY
OF ARIZONA, LLC and LARRY
POINTER**

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CIVIL ACTION NO. 5:20-cv-827

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Pursuant to 28 U.S.C. §§ 1332 and 1441(a), Defendant, **SWIFT TRANSPORTATION CO. OF ARIZONA, LLC**, hereby removes this action to the United States District Court for the Western District of Texas from the 37th Judicial District Court of Bexar County, Texas, stating as follows:

1. Plaintiff, Leon Michael Roy, commenced this action in the 37th Judicial District Court of Bexar County, Texas, where it was given Cause No. 2018-CI-24198. This action is between citizens of different states. Plaintiff is a resident of Texas. Defendant SWIFT TRANSPORTATION CO. OF ARIZONA, LLC, is an Arizona Corporation doing business in Texas. Defendant Larry Pointer is a resident of Missouri. Further, Plaintiff claims damages for personal injury and states in his Petition that he is seeking the following:

1. Medical care and expenses in the past and future;
2. Physical pain and suffering in the past and future; and
3. Physical impairment past and future;

Importantly, Plaintiff testified in his deposition on June 30, 2020 that his damages were in excess of \$375,000. (Roy Dep. 95). Plaintiff's deposition transcript is attached hereto as Exhibit A.

Accordingly, this Court has original jurisdiction under 28 U.S.C. § 1332.

2. Defendant, SWIFT TRANSPORTATION CO. OF ARIZONA, LLC, received the summons and complaint on December 31, 2018, however the case did not become removeable until June 30th so this removal is timely under 28 U.S.C. § 1446(b)(3).

3. A copy of all process, pleadings, and orders served upon Defendants is attached as Exhibit B.

4. Defendant has provided written notice of this Notice of Removal to all adverse parties and has filed a copy with the Clerk of the 37th Judicial District Court of Bexar County, Texas.

5. Defendant SWIFT TRANSPORTATION CO. consents to the removal.

Dated: July 15, 2020.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS,
SWIFT TRANSPORTATION CO. OF ARIZONA,
LLC and LARRY POINTER

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been sent on the 15th day of July, 2020, per the US District Court rules, to the following:

Thomas Crosley
Jarryd Morton
Crosely Law Firm, PC
3303 Oakwell Ct., Suite 200
San Antonio, Texas 78218



P. Clark Aspy